

T H E
HARDSHIPS
O F T H E
ENGLISH LAWS.

— In relation to

W I V E S.

W I T H A N

Explanation of the Original Curse of Sub-
jection passed upon the WOMAN.

I N A N

Humble Address to the Legislature.

*I could also speak as ye do; if your Soul were in my Soul's Stead, I
cou'd heap up Words against you, and shake mine Head at you.
But I would strengthen you with my Mouth, and the moving
of my Lips should assuage your Grief.*

*Tho' I speak, my Grief is not asswaged; and tho' I forbear,
what am I eased? Job xvi. 4, 5, 6.*

*For it was not an Enemy that reproached me, then I could have
born it; neither was it he that hated me, that did magnifie
himself against me, I then would have bid myself from him.
But it was thou, a Man, mine Equal, my Guide, and mine
Acquaintance.*

*We took sweet Counsel together, and walked into the House of
God in Company. Psalm lvi. 12, 13, 14.*

Printed at L O N D O N :

And DUBLIN Re-printed by and for Groom

®





THE
HARDSHIPS
OF THE
ENGLISH LAWS
In Relation to
WIVES.



IN a late Address made to his Majesty by a very ingenious Writer, he presumes upon the Privilege of the Free-born Subjects of *England* to approach their Sovereign, represent their Grievances, and humbly to implore Redress.

Wc



We hope that this ~~inestimable~~ privilege is not wholly confined to the *Male* Line, but that we his Majesty's faithful *Female* Subjects, may also shelter ourselves under his most gracious Protection, our Condition being of all others in his Dominions the most deplorable, we being the least able to help ourselves, and the most exposed to Oppression.

This is certainly true, in every State of Life, but in none so notoriously, and without all Redress, as when we put ourselves in a Condition of adding to his Majesty's Subjects by becoming *Wives*, under which Character we humbly address his most sacred Majesty, and the Honourable Houses of Parliament, for an Alteration or a Repeal of some Laws, which, as we conceive, put us in a worse Condition than *Slavery* itself.

We are now apprehensive of more frequent Oppression from these Laws, as this is an Age in which the Foundation of all the noble Principles of Christianity (which are our only Protection) are broken up, and *Deism*, that Underminer of all that is truly laudable, with its Legions of Immorality, Prophaneness, and consummate Impudence are let in upon us.

All religious Truths may, and ought to be the Subject of an humble and modest Enquiry ;

quity; but are by no Means, the proper Objects of Ridicule and Contempt. But since some Men by their extraordinary Flights of Conceit have thought fit to assail the Almighty, and are endeavouring to bring over the rest of their Sex, as fast as they can, 'tis Time for Us to look about us, and to use all justifiable Methods to provide against the impending Danger: For since we seem to be hastening into a *State of Nature*, in which there can be no Appeal but to the Laws of our Country, and the Authority of Scripture is going down, which directs a Man to erect a private *Court of Equity* in his own Breast, what shall restrain the *Strong* from oppressing the *Weak*, if the Laws of our Country do not, they being in such a State the only established Rules of Society?

I humbly hope therefore, that this will not be thought an unseasonable Representation of our Condition, since supposing a Man no Christian, he may be as *Despotick* (excepting the Power over Life itself) as the Grand Seignior in his Seraglio, with this Difference only, that the *English Husband* has but *one Vassal* to treat according to his variable Humour, whereas the Grand Seignior having *many*, it may be supposed, that some of them, at some Times may be suffered to be at quiet,

What our Fate will be God only knows, if the present Wits of the Age should be attended with Success, and strengthened by Numbers. As for Arguments they are out of the Question with them, their Weapons being *Points of Wit, smart Jest, and All confounding Laughter*. These they brandish about against Heaven or Earth, as they happen to oppose their Wills and Inclinations, which stand with them for Reason and Religion.

If therefore we may claim the Privilege of *English* Subjects to speak our Grievances, and be indulged with a gracious Attention, the following Particulars, contain the chief Articles of our Complaint.

I. That the Estate of Wives is more disadvantageous than *Slavery* itself.

II. That Wives may be made Prisoners for Life at the Discretion of their *Domestick Governors*, whose Power, as we at present apprehend, bears no Manner of Proportion to that Degree of Authority, which is vested in any other Set of Men in *England*. For though the Legislature, acting collectively, may dispose of Life and Fortune; no individual, not even the Sovereign himself, can *imprison* any Person for *Life*, at *Will* and *Pleasure*; the *Habeas Corpus* Act, providing for the Condemnation or Enlargement of the Prisoner.

III. That Wives have no Property, neither in their *own Persons, Children or Fortunes.*

I grant the Laws I presume to complain of; gratify some Mens *Pride*, fall in with their *Interest*, and oblige their *Humours*; that they will be very loth to part with them, and that they can plead *Prescription* for them. But I deny that they are reasonable or just. All which I shall endeavour to prove,

By Facts, and

By Observations upon them:

Case I. The first Case I cite, was lately determined in the Court of Delegates in Doctor's Commons, relating to the Will of one Mrs. *Lewis* a Widow. While she was in that State she made a Will; soon after she married again; in some time her second Husband died and she again became a Widow, without any Children by either Husband. The Will which she made in her first Widowhood remaining, and being found after her Death, the Question was, whether it was a good Will or not? The Council for the Will cited many Authorities from the civil Law, and shewed, that among the *Romans*, if a Man had made his Will, and was afterwards taken *Captive*, such Will revived and became again in Force, by the Testator's repossessing his *Liberty*: And thence inferred, that

that as Marriage was a *State of Captivity*; Wills made by Women who became *Free* by Survivorship ought to *revive* with their Freedom.

But the Court finding one Distinction, *viz.* that Marriage was a *voluntary Act*, and Captivity the Effect of *Compulsion*, the Judges determined the Will to be void.

Observation, The Arguments of the Council make the Estate of Wives *equal* to, the Distinction of the Court *worse* than, Slavery itself.

Case II. An unfortunate Wife who had been so cruelly treated by her Husband, that Life itself was become a Burthen to her, at last made her Application to her Brother, who was a Clergy-Man, and inclined by all the Motives of Christianity to assist her. He received her into his House, with her Spirit quite oppressed and sunk by her Husband's Severity, which had so far affected her Constitution, that she was in a very bad State of Health. He went to her Husband, and in the softest Terms represented his unmanly Treatment of his Wife, and the sad Effects it had had upon her; and endeavoured, by all possible Arguments, to awaken in his Mind some Sentiments of common Humanity towards her; adding, that (with his *Leave*) she should be welcome to stay at his House, till she had recovered her Health, of which he would

would be at the sole Expence. But alas! how unavailing is Reason, and soft Persuasion, when opposed to *Insolent Power*, and *Arbitrary Will*. The Husband insisted upon his *Right to controul*; it was an Invasion of his *Prerogative Royal* for his Wife to pretend to expostulate, and in short he ordered her Brother to send her Home again, or keep her at his *Peril*. This was the unhappy Creature's last Effort; and this ill Success, flung her into a lingering *Fever*, of which she languished a Fortnight, when her Husband came in Person, and demanded his Wife. Her Brother was forced to deliver her up, being as unable to contend with her Husband, as the Senator of *Rome* with the Emperor, when he declared he was never ashamed to give up an Argument to a Man, who was master of fifty Legions. Thus the miserable Wife was carried Home again, where her Husband, exasperated by her Complaint, treated her with greater Harshness, which gave her, her *Coup de Grace* in less than a Month; when she left her Sufferings to be avenged by Heaven, though they were disregarded by Men, from whom she could find no Redress, her Husband never having beaten her, nor threatened her Life, though he took all other Methods to break her Heart.

Case III. The next Case I shall relate is very short, consisting of few Particulars. A young Lady posselt of a considerable Fortune in Land and Money, married a Gentleman, in whom she had such full Trust and Confidence, that she made no Reserve to herself, but flung her whole Fortune with her Person entirely into his Power. As he had no Fortune of his own, it was a fine thing to him to be master of an Estate; he launched out into the most extravagant Expences, but soon finding some Frugality necessary, he thought fit to *confine* his Wife in her Country House, with the bare Allowance of the necessary Supports of Life, and one Servant to attend her, who was also her Jailer. In this Confinement she lived, till it pleased that Being, who *alone* had *Power*, to set her *Free*.

Case IV. The next Instance I shall produce, is the Case of Mr. *Veezey*, tryed at the *Old Bailey*, where it was proved that he confined his Wife for some Years in a Garret, without Fire, proper Cloathing, or any of the Comforts of Life; that he had frequently Horse-whipt her; that her Sufferings were so great and intolerable, that she destroyed her wretched Life by flinging herself out at the Window.

But as there was Bread found in the Room, which, though hard and mouldy, was supposed

posed sufficient to sustain Life; and as it was not thought that he pushed her out of the Window himself, he was acquitted, and that Complaint of her Sufferings served only to instruct Husbands in the full Extent of their despotick Power.

Observation, From these three Cases it appears that Husbands have a more *Afflictive* Power than that of *Life* and *Death*.

About five Years ago, a modest agreeable Gentlewoman, well educated, married a young Tradesman, he set up with a good Fortune of his and hers, and in three Years Time, by his Vices, Extravagancies, and Follies, ran it out every Farthing. Upon which he flung himself into the Army, in the Condition of a common Foot Soldier.

She then desired his permission to serve a Lady of Quality, by which means she hoped to be able to provide for their two Children. But he refused it, unless he might have leave to visit her, when he pleased; and the Wages which she should earn, being his not hers, unless it was paid to him, he might have sued the Person, who should entertain her. This effectually barred the Doors against her as a Servant. If by the Kindness of Friends she should be enabled to take an House, and set up in any Way of Business to maintain herself and helpless Infants, it would be only giving

giving him an Opportunity to *Plunder* her at *Discretion*.

The last Resource in such a Case is, to transact her Business in another's Name. But it is very difficult to find a Friend generous enough to involve himself in the intricate Affairs of an helpless undone Woman, who may be commanded from the Place and Employment, at the Pleasure of her Lord and Master, against whose Injunctions she can make no Appeal. The most that her Friends can do, is to afford her a small Pittance by Stealth in the Nature of an Alms, by which she may be sometimes relieved, but never provided for, unless they were in Condition to settle an Estate in Trustees Hands for her Use, which (considering the Power the Husband has over her Person) he may soon convert to his own.

Observation, Hence it appears, that Wives have no Property neither in their intellectual, or personal Abilities, nor in their Fortunes.

When we look back into the Annals of Queen *Mary I.* we Shrink with Horror at the Apprehension of her Fire and Faggot. But behold! the Sufferings which an Husband may inflict upon his Free-born *English* Wife, if he so please; and then consider which

which of the fiery Tryals are the more tolerable!

If we cannot in Justice call for the Correction of these Tyrannies, we hope we may in Charity for the Prevention of them.

I must here take Notice, that I have related the Case to Mrs. *Vezey*, as I found it in one of the publick Prints, I therefore don't take upon my self to say that this Case is truly stated, 'tis possible some material Circumstance may be omitted: However I was determined to insert it, though upon no better Authority, because I should be glad to know, supposing the Case to have been exactly as 'tis here related, what could have been done to him?

The Disdain and Confusion of Mind, which naturally rises upon ill Treatment, from those whom we have greatly trusted or loved, might make a Woman in such Circumstances destroy herself. I believe it requires almost as much Fortitude and Resignation as that of a Martyr or Confessor, patiently to acquiesce under such Usage.

If I could hope to find Pardon for the arrogant Thought, I would for once suppose that a Wife might possibly find means to *confine* her Husband in his own House, and to prevent any Attempt for his Release, give out that he had cross'd the Seas, and was in foreign Countries upon his Business or Di-

version. Methinks I already hear the Resentment and Indignation of the whole Sex, upon the insolent Supposition! Women were designed for *Domestick Animals*, 'tis but allotting them their proper Place; give them *Needles* and *Prayer Books* there, and there's no great harm done. But to think to confine the *Lords* of the *Creation*, is Insolence beyond a Parallel. It may be so, yet as a Christian, I cannot but think it an Excellent Rule to suppose our selves capable of receiving the Treatment we give others, and then to reflect upon the Resentments we should make upon it. *Do unto all Men, as thou wouldest they should do unto thee*, is an universal Precept given to both Sexes, and all Conditions from the Prince upon the Throne, to the Labourer that digs in the Mines.

'Tis true, should a Wife be so audacious as to find Means to confine her Husband, she would be unpardonable; her Guilt would be aggravated by the Relation she stands in to him, by the Respect and Deference she owes him; it would be a kind of *Petty Treason*. But as it is impracticable, I can injure no Man by making the Supposition, which, as a Christian, every Man who has any such Designs upon his Wife, ought to make to himself: Though the Law allows him that Power, Conscience does not. Our very
 Enemies,

Enemies, as soon as they fall into our Power, though involuntarily, have a Title to our Favour and Protection, all the Laws of Honour and Generosity plead for their gentle Treatment; and shall a Husband be called a Man of Honour, who treats his Wife harshly for no Reason, but because she is in his Power, and which Power he derived from her unbounded Confidence in him? She puts her whole Happiness into his Hands, a Trust for which no Man can give a sufficient Security. She has from hence a Title to his Protection in every Distress: If so, how is a Husband's Guilt aggravated, when he beats, confines, or murders his Wife?

Our Laws decreed the more dreadful Death to the guilty Wife, and pronounced a milder Sentence upon the guilty Husband; yet I shall leave it with the Casuists to decide, whether the Breach of *Trust* does not as much aggravate the Sin of Murder in the Husband, as the Breach of *Submission* aggravates the same Sin, in the Wife. But whether I am Right in my Sentiments or not, let any Man with the least Christian Charity, Generosity, or common Humanity, consider himself as the Father, Brother or Friend of any of the unfortunate Wives before mentioned; and then say, whether he could not wish, that some Expedient might be found by
the

the Legislature to prevent such Calamities for the Future.

I shall now proceed to consider the Case of Heiresses, there, if any where, the Wife Retains some Property.

The Husband has the Disposal of the whole Income of the Wife's Lands, for his and her Life: And in Cases where the Husband and Wife can join to pass a Fine upon her Lands to raise Money upon any Exigency of their Family, he has Power alone afterwards to mortgage in Consequence of that Fine, and to employ that Money so raised upon his Wife's Estate, according to his particular Pleasure, which perhaps may be upon an Harlot to injure her yet more for her Generosity.

The Laws in being, have provided that no Fine can be levied upon a Wife's Estate, without her Free and Full Consent openly declared upon that Occasion.

Query, Would it be unreasonable if the same Laws which ordained that no Fine should be levied without her Consent, should determine that her Consent should also be necessary in limiting the Uses of that Fine? The Law in requiring her Consent to the levying the Fine, seems to me to imply that she must be a Judge of the Reasons for which it was levied.

Some-

Sometimes a Wife is wise enough to get a Deed executed first, declaring the Uses of the subsequent Fine, which will secure the Money from a Misapplication. But this is no more than a prudential Caution, which is only not contrary to law, but is not required by it, consequently, cannot be called Part of the Law.

By the very Nature of the Marriage Contract, the Husband and Wife acquire a Property in each others Person. Our Laws give the Husband the entire Disposal of the Wife's Person, but she does not seem to retain any Property in his. He may recover Damages of any Man who shall invade his Property in her, but she cannot recover Damages from a Woman, who shall invade her Property in him.

Indeed a Wife may carry her complaint to the spiritual Court, and obtain a Sentence and Costs against the Woman who shall injure her; but 'tis afterwards in the Husband's Power to release these Costs, * which no

* * If a *Feme Covert* sue another in the spiritual Court for Incontinency with her Husband, and recover ten Pounds Costs, and the Husband release them, she is by this Barred.

Salkela's Reports of Cases adjudged in the Court of King's Bench, Vol. 1. p. 115.

See *Mrs. Hewson's Case*.

B. 2

Doubt

Doubt any Husband would do, in Favour of a Woman whom he preferred to his Wife. If a Wife impatient of an Injury of this Kind, which is indeed a virtual Dissolution of the Marriage, appeals to the higher Powers for an actual Divorce, 'tis possible she may obtain it, with a small Pittance, with which she may keep herself from Disease and Want. If she brought the whole that the Husband possesses, she may be assigned the fourth or fifth Part, and he (which it must be supposed the Law can give a wise and equitable Reason for) be indulged with the Remainder, to make as just use of, as he had done with the whole.

I put the Case that the Woman, brought the whole Fortune, because many Men make no Scruple to Marry a Woman they don't Love, for the Sake of her Money; it may therefore be supposed, that Women of Fortune, are more liable to Injuries of that Kind than any other Part of the Sex.

I shall now proceed to consider the Unreasonableness of those Laws, which divest a Woman of all Property in her Children.

As the Law of God gives the Husband the supream Command in his Family, 'tis just that he should have the Disposal of the Children so long as he is in being. But at his Death

Death that Power seems to devolve upon the Wife. She is then the only natural Governor and Guardian of her Children.

I believe there are no Creatures (except of the human Species) where the Male and Female are necessarily concerned in bringing up their joint Offspring; one Parent being sufficient to provide for, and protect them. Nature has not therefore impress'd the same Instinct on both Sexes, but left the Offspring to the Care of one of them: Amongst those Creatures where neither Parent is necessary, there is no Acknowledgment of the Offspring on either side.

But in the human Species paternal and maternal Care and Affection are found in Nature to be both strong and Active; but I believe it will be readily allowed me that it is in general more so in the Mother. One would therefore suppose that the Mother is in some Degree qualified, as she is more inclin'd by Nature, to take Care of the Children. In the Levitical Law, we see the Evidence of both Parents necessary, to the Conviction and Punishment of a rebellious Son. We are also told in the sacred Pages that, God has confirm'd the Authority of the Mother over the Sons. We can't therefore but conclude that God well knew that he had qualified her to give Laws, when
he

he so strictly enjoins the Observation of them.

Since therefore the Light and Instinct of Nature, and the revealed Law of God, both concur in giving Dominion to both Parents, what Authority do we want to plead for that Dominion over our Children, which Nature and the Laws of God give us?

I said before, yet to avoid Misconstruction, I will repeat it again, that the Husband ought to have the Power to dispose of the Children while he lives; but when it has pleased God to provide every Child two Parents, we may suppose one at least, is necessary to him; why then should the Child be deprived of *both in one Day?*

When God, who knows all things perfectly and does all Things wisely, think fits to recall one Parent, our Laws give Men, who knows nothing perfectly, and does many Things unwisely, the Power to deprive the Child of his other Parent also, by ordering the Child into other Hands, where the Mother's Care and Affection can be of no Service to him.

I confess I never heard of but one Man, who went to the full Extent of his Power in that Instance. He was a Gentleman of a pretty good Estate, and had only one Daughter, to whom he bequeathed his whole Fortune, under this Restriction, that she
should

should forfeit it, if upon any Occasion what-
 ever, she knowingly conversed with, or
 visited his Widow after his Death, who was
 the young Lady's own Mother: And in Case
 of his Daughter's Disobedience to his Will
 in this particular, he left his Fortune to an
 ill-natured Relation of his own, who always
 hated his Wife, and had been the Occasion
 of his using her very ill, and who would
 therefore be sure to take the Advantage of
 the Forfeiture: The unhappy Mother was
 therefore constrained to give up all Interest
 in, and Conversation with her child for ever;
 her Jointure being too small to support them
 both.

I can't figure to myself a more afflictive
 Circumstance in human Life, than to be en-
 tirely deprived of my Child, by the Unkind-
 ness of my Husband! When the tenderest,
 dearest and best founded Affections of the
 Heart, are baffled, disappointed, and over-
 ruled, by all-controuling Power, what fo-
 reign Accessions of Pleasures or Honours can
 assuage the Anguish of such a wounded
 Spirit? Nothing but the most seraphick Love
 of God, can fill up that vast Vacancy! That
 most forlorn Void! Which an Affectionate
 well inclined Heart finds in itself, when the
 tenderest Object of its Love, is ravished from
 it. 'Tis true, these are rare Instances, but
 the Law is nevertheless hard, which gives
 every

every Husband the Power of exercising such Cruelties.

But in Answer to the Remonstrances of this Kind, we are told that the Law supposes the Father the best Judge, whether the Mother is capable of educating their Children.

And also, that it is a Security to the Children, in Case the Mother should marry again, and put herself and Children in the Power of another Master.

If we are naturally unqualified to educate our Children, or to chuse proper Persons to assist us in it, then has Nature impress maternal Affection in vain, at least it ought not to continue any longer than our Children remain in the Nursery, but it should decline and extinguish, as we see it does in other Creatures, when it can be of no further Service to the Offspring.

If we are accidentally disqualified by a foolish trifling Education, where does that Imputation revert, but upon those Persons under whose Direction and Authority we are so educated?

If a second Marriage exposes Children by a Former, to the Oppression of a latter Husband, and utterly disables the Mother to rescue them from it, whence does that Inability arise, but from those Laws which gave the Husband so exorbitant a Power over the Wife,

Wife, that she cannot exert herself in those Duties which God has commanded her to do, unless it be at the Will and Pleasure of her Husband?

The Sum of this Argument is this,

That we are not naturally disqualified to educate our Children, for God gives no natural Instinct in Vain: Not accidentally disqualified, unless by the Fault of the other Sex, in the Education they give us, and the Laws they make for us.

I confess that by the present Laws we may be deemed disqualified to be intrusted with the Education of our Children, inasmuch as the Commands of an Husband, seem to supersede all other Authority whatsoever: At least that appears to be the Sense of the executive Powers, who are supposed to act according to Law; for when the King delegates his executive Authority to his Judges, and a Man and his Wife are brought before them, and indicted for Murder, an horrid Sin against God, and the greatest Sin against the State (except Treason) the Wife as acting under the Command of the Husband shall be acquitted, and the Man hanged. What an Intimation does that give, that our Laws will at least, connive at an Outrage against God, and tearing asunder the very Bands of Society, provided, the Woman acts in Obedience to her Husband? That is to be her first, Principle

Principle, and she is to be judged according to it.

But perhaps it may be said, that in proceeding thus, the Law regards the Power, not the Authority of the Husband, and that a Wife shall not be acquitted for Murder, unless it appears to have been done in the Presence of the Husband, when the Law supposes some Coercion, which is the Effect of Power, not Authority, his bare Command nothing,

Whence is that Power supposed to arise? Not from personal Strength, for that would be equally prevalent in all Cases, and a Wife is not exempted from Punishment in Case of Treason, though it should appear that she committed this Treason in Concert with, and in the Presence of her Husband: A supposed Compulsion from personal Strength will not exempt a Boy from Punishment, if he robs, or murders with any Man, except his Father; but the Father's Authority shall excuse the Son, till the Son is at Years of Discretion, when it is supposed that he must understand, that the Command of God supercedes that of a Father, and that it is at his Peril if he does not *obey God rather than Man.*

A Son is not considered as a free Agent, when he acts with his Father, till he comes to the full use of his understanding; and the

In-

Indulgence he receives before, is a Favour to the Weakness of his Intellects, not to the Weakness of his Body.

In Short, either Wives can judge how far, and in what Instances an Husband is to be obeyed, or they cannot : If they are so undiscerning as not to be able to perceive the essential Difference between obeying their Husbands in the Lord, and in the direct Opposition to and Defiance of him; then let their blind Obedience to their Husbands excuse them in the Case of Treason as well as it does in other Cases; but if they cannot plead this Darkness of the Understanding, why are they treated like Children or Idiots? I can assign but one Reason for these Inconsistencies, namely, that it is for the Interest of the Community as a Body Politick, that Wives should be punished as free Agents for Treason, but that, in Respect to the private Royalties of Husbands, in other Cases they are not expected to judge of Right and of Wrong; 'tis sufficient for them, if their Actions confess they accede to the Jurisdiction of their Husbands.

But if they will still tell us, that this Exemption from Punishment, was designed as a Favour to the Weakness of the Sex, we must take upon our selves to say, that, that Sophistry is vain; we understand better, and know that it is a fine Compliment to the Au-

thority of our domestick Lords and Masters: Had they a real Care for the Sex, they would not grant such an Impunity, which might be a Temptation to commit such Facts, upon which everlasting Damnation is denounced. But they teach us whom to fear. What are their Judgments, if their Mercies are thus cruel !

That this is their real meaning, give me leave to produce one notable Instance, as it was related in one of the publick Papers some Time ago.

A Man and his Wife were found hanged and their Child murdered in the Cradle in their Bed-Chamber, the Door being locked within side, and a Paper lying upon the Table, which Paper contained the Reasons of their laying violent Hands upon themselves and Child, and was subscribed both by the Man's and Woman's Name. The Man was adjudged guilty of Murder and Suicide, and his Body buried in the Highway accordingly ; but the Woman being supposed to hang herself at the Command of her Husband, was exempted from further Mischief. Now this was no doubt a considerable Kindness to the Woman, and a great Comfort to the good Husbands in his Majesty's Dominions, to provide them a Precedent for commanding their Wives to hang themselves, the Woman being supposed to act upon competent

rent Authority, or the Sentence upon her Body could not have been remitted upon that Consideration. There is a further Reason to deem it an Act of Obedience to Authority, and not a Compliance with Power, since I believe it would be hard to find any Person of so peculiar a Way of thinking, as to be prevailed upon to hang herself for fear of being killed : Unless her Husband had had an Authority as absolute as *Nero*, and sent his Mandate ordering her to dispatch herself in an Hour, or he would have her put to Death with Tortures.

The Woman's Body being permitted to be put in consecrated Ground, was of no real Consequence to her ; she was removed from all Interest in this World ; her irrecoverable Doom was past, where, I fear, the Command of an Husband would not be deem'd a sufficient Apology for so great a Breach of the Laws of her Creator*. Nor can any think, that was in Truth and Reality the Case ; for what worse Consequence could have followed from her resisting her Husband, than her own, and her Child's Death ? But it was thought agreeable to our Laws

* *St. Peter* thought it no Excuse for *Sapphira* that she agreed with her Husband to sin against God ; he pronounced the same Sentence upon the Wife, as he had done upon the Husband, which shewed, that he judged their Guilt to be equal. *Acts* Chap. v.

that a Wife should be absolutely at the Command of her Husband, and the Determination was given in Regard to the living, not to the dead.

From hence I must take the Liberty to assert, that this Exemption of a Wife from Punishment, upon Consideration that she obeys her Husband, never was designed as a Privilege to Wives, and that it never can be such in its own Nature, but is a Snare and Temptation to them, to comply with the Command of an Husband, be the Instance ever so sinful, and to stand more in awe of a temporary Resentment from him, than of the eternal Resentment of Omnipotence itself.

This is one of the notable Privileges of an *English* Wife. I shall consider a few more of them, as compared to the Privileges of a *Roman* Wife, and see what Figure they make in the Comparison.

By the Civil Law, Wives have a Right to some Privileges of which the *English* Law wholly divests them. As I apprehend, the Civil or old *Roman* Laws are of no Force, where a Statute, or common Law of *England* contradicts them.

First then, * “ The Laws of *Rome* appointed the Wife to be sole Heir, when the Husband dyed without Issue”.

* Mr. *Wheatley's* rational Illustration of the Book of Common Prayer, &c. P. 439.

The most a Woman can claim by the Laws of *England*, is one third of her deceased Husband's Estate.

Again by the Civil Law, * “ a Woman
 “ is not constrained to bring her whole Sub-
 “ stance as a Portion to her Husband, but
 “ may retain back Part of her Goods, which
 “ are then called *Paraphernalia*, in which
 “ the Husband has no Interest, for she may
 “ dispose of them without his Consent, and
 “ bring Actions in her own Name for the
 “ Recovery of it.

“ By the Laws of *England* the *Parapher-*
 “ *nalia* are deemed to be only the Woman's
 “ wearing Apparel, Ornaments and Jewels,
 “ which adorn her during the Marriage” ;
 which she wears not as hers, and for her own
 Sake, but as her Husband's, or as it is expres-
 sed, suitable to his Quality, and to do him
 Honour. The Presents he makes are be-
 stowed before for that Reason, and they *ipso*
facto revert to him as soon as the Solemnity
 is over. † She retains no Property, not e-

C 3

ven

* *Wood's New Institute of the Civil Law.* p. 53.

† For although, where *H.* dies intestate, or by Will
 does not dispose of the Jewels, his Wife may claim
 (in Case there be no Debts) the Jewels suitable for her
 Quality, to be worn as the Ornaments of her Body,
 as her *Paraphernalia* ; yet it is held in *Crook's Re-*
ports, that if the Husband by Will devotes away the
 Jewels,

ven in that sacred Pledge, which he had given her as a Token that he would faithfully perform every Article stipulated in the Covenant between them, and which Token, according to the Reverend and Learned Mr. *Wheatley*, was understood, as * “ Livery
 “ and Seisin of that Right to his Goods,
 “ which she had acquired by becoming his
 “ Wife”.

Again, though † “ by the Civil Law,
 “ the Husband during the Marriage, receives
 “ the Profits accruing from the Wife’s Portion, yet if he declines and grows low in
 “ Fortune she may by Law seize her Portion, or Security, or bring her Action against him, and lodge it out of his reach,
 “ for the property of the Portion is not
 “ transferred from the Wife by the Inter-marriage.

The Laws of *England* allow a Wife no such Privilege ; for if a Man having no real Estate, marries a Woman with any Fortune in Money, and covenants to leave her such a Part of it at his Death, if afterwards she

Jewels, such Devote shall stand good against the Wife’s Claim of *Paraphernalia*. *Vernon’s Cases* argued and adjudged in the High Court of Chancery. Vol. II. p. 246.

* A rational Illustration of the Book of Common Prayer, &c. p. 438.

† *Wood’s New Institute*, p. 54.

perceives

perceives that he designs to spend the whole in his Life-time, she cannot take any Method to prevent it, the Law allowing her no Remedy.

Thus we see that by the Laws of *Rome*, the Wife had her distinct Properties, as well as the Husband. But that by the Laws of *England* she is divested of all Property.

I have been informed by Persons of great Integrity, who have long resided in *Portugal*, and consequently had Opportunities of knowing the Customs of the Country, that a Wife in *Portugal* if she brought never a Farthing, has Power to dispose of half her Husband's Estate by Will ; whereas a Woman by our Laws alienates all her own Property so entirely by Marriage, that if she brought an hundred thousand Pounds in Money, she cannot bequeath one single Penny, even if she left her own nearest and dearest Relations starving for Want.

As there may be some Objections to these Representations, I come now to consider and answer the most material that I can at Present foresee.

Obj. I. As to Mr. *Lewis's* Case, there might greater Inconveniencies arise from the Validity of such Wills, than from their Non-Validity. Suppose Mrs. *Lewis* having no Child by her first Husband, had bequeathed her Fortune to a Stranger, and afterwards
by

by her second Husband had had Children, would it not have been hard to have had the Will stand against these Children? However this is a Case that may not happen twice in an Age.

My Design in these Representations, is to shew the Scope and Tendency of the *English* Laws in Relation to Wives, and that they sink us lower than Captivity itself, of which this Case is one notorious Instance. As for any Advantage which might arise to Children, from the Invalidity of such Wills, from some particular unforeseen Contingency; that by no Means destroys my Assertion. The Wit of Man cannot contrive a Law of such universal Influence, as to reach every particular Case that may happen. If therefore we should find some Exempt Case, in which some particular Woman might be favoured by those very Laws which oppress Wives in General, it would only shew that Man, cannot controul Events, and that God can, and does, bring Good out of Evil. But after all, it cannot be suppos'd that Mrs. *Lewis*, or any Woman in her Senses, would suffer a Will to remain in Force to the Prejudice of her own Children; and that such Wills should remain uncanceled by Accident; or Forgetfulness, or the like, could never be foreseen by the Makers of this Law; neither can it be us'd as an Argument
for

for the Justification of it. The Reason of this Law is easily seen, the Consequences of it, as to particular Cases are and must be unforeseen, as well as the Number of Persons who should be declared in a worse Condition than that of Captivity itself, by it.

Obj. II. By the Laws of *England*, a Woman who has been beat and abus'd by her Husband, may swear the Peace against him, and if he can't find Security for his Behaviour, send him to Jail.

To which I answer, *First*, that sometimes this Relief cannot be had, the Husband having it in his Power to lock up his Wife, and so prevent her Complaint, as in some Cases already cited.

Secondly, That the Consequences of this Relief, (if it may be so called) bring great Hardships upon the Wife.

1. As it exposes her to the Resentment of her Husband at his Return Home, without abating his Power, which is so great, that he may revenge himself a thousand Ways not cognizable by the Law.

2. That if he is a Tradesman, or a Labourer, she, and her Family depend on him for Bread, and the Consequence of his lying in Jail must be, that she, and her Family must starve.

Obj. III. The Wife may put her Fortune into Trustees Hands before Marriage, and by that Means secure it for her own Use. I

I acknowledge this to be available, if done with the Consent of her intended Husband, otherwise the Court of Chancery will relieve him. But if we reflect how extremely ignorant all young Women are as to points in Law, and how their Education and Way of Life, shuts them out from the Knowledge of their true Interest in almost all things, we shall find that their Trust and Confidence in the Man they love, and Inability to make use of the proper Means against his Falshood, leave few in a Condition to make use of that Precaution. And it is too notoriously known, that it has seldom been of Service to those who have done it, the Husband having so entirely the Disposál of his Wife's Person, that he easily finds Means to bend her to his Will, insomuch that I have heard, that it is a frequent saying of one of our present eminent Judges, " That he had hardly known an Instance, where the Wife had not been kissed or kicked out of any such previous Settlement.

Obj. IV. A Wife cannot be said to be divested of all Property, since she does retain a reversionary Property in her Jointure, which is out of the Husband's Power to alienate.

To which I reply, that supposing she does retain that reversionary Property (which considering the Authority of the Husband she

the may not always be able to do) yet Jointures are not sufficient for all Occasions.

Few Wives who have Jointures, have any other Provision, and all Wives who have no other Provision, may be liable to the Hardships which I shall exemplify in the following Case.

A young Lady, well born, with five thousand Pounds to her Portion, married a Gentleman possess of an hundred and seventy Pounds *per Annum*, which she accepted of, as a Jointure for her five thousand Pounds. As the Gentleman was one of the learned Professions, he had besides his real Estate, some Places which brought him in a considerable Revenue: Before this Marriage he was bound for his Father, for a large Sum of Money, and was also in Debt himself; both which he concealed from her, neither did she ever know it, till after his Death; which happened five Years after their Marriage. In that Time she had four Children, and was breeding of the fifth when he died. Her Father-in-law died a Month before her Husband, and in a short Time after her Husband's Death the old Gentleman's principal Creditor took out Letters of Administration, by Virtue of which he seized her Husband's personal Estate to answer the Money for which he was bound for his Father. But the personal Estate not a mounting

ing to that Money, the Administrator shew-
ed no Mercy to the unhappy Widow, but
took even her Wedding Ring from her
Finger, and all moveables, except the Cloaths
on her own, and her Childrens Backs at the
Time of the Seizure. The Widow was
then left with four Children, a naked House,
and an hundred and seventy Pounds *per An-*
num Jointure. She became a Widow with-
in a few Days after an half Yearly Payment
from the Tenant, who rented this Estate;
consequently she could make no Demand
upon him for near half a Year after. With-
in which Time, she was to support the Ex-
pences of her Lying-in, as well as to provide
for the four Children she had already.

As these, or the like Circumstances may
happen to any Woman who has only a
Jointure to depend upon, I would therefore
recommend it to the unmarried of my Sex,
to secure by Article such a Sum of Money as
will support them during such an Exigency,
till their Jointures shall come in. I confess
'tis very rare that we see a Woman stript so
bare, as this Lady, whose Case I last related,
which still strengthens my Assertion, that the
Law in this Instance is hard, since it shews
it to be against the general Sense and Hu-
manity of Mankind to go to the Extent
of it.

Obj. V. The Laws obliging Men to pay
their

their Wives Debts contracted before Marriage is as hard upon them.

I believe not; Womens Debts being more easily known than Mens, they having many Ways of concealing and misrepresenting their Circumstances which Women have not.

All Men in Trade have their Affairs so complicated, that it is an hard Matter to find out what their Debts are.

A Man may by the treacherous Kindness of a Friend be put in Possession of a Fortune in Order to obtain a Woman with Money, and secretly contract to pay it all back again as soon as he is married. That is, as soon as he has got her Money, that being all which he considered.

A Spend-thrift may buy a young Heiress of those about her, and afterwards pay the purchase Money out of her Estate.

Obj. VI. These are Tricks and Cheats, which the Law neither ordains, nor is answerable for.

I acknowledge they are Tricks * and Cheats, and no Part of the Law itself; yet they are practicable in Consequence of the Law, which gives the sole Property of the Wife's Fortune to the Husband, by which

* Does the Law make any Provision against these Tricks and Cheats? If it does not, is not the Law so far defective?

he is enabled to pay the Debts contracted to purchase her, out of her own Estate. 'Tis true, a Woman may impose upon a Man, by telling him she has a Fortune when she has none, and (if the Man is weak enough) by Artifice engage him to marry her upon that Supposition. But she can't borrow a Sum of Money, and at her Marriage put her Husband in Possession of it as her Fortune, and afterwards secretly repay it, out of his Substance without his Knowledge: And if the Husband should be called upon to repay the Money, he would require to know the Consideration upon which it was lent, by which means it might appear that the Creditor had combined with his Wife to impose upon him, and cheat him; and in that Case the Law would relieve him.

I shall produce an Instance of Fraud, by Way of Illustration.

A Farmer's Son courted a young Woman with whom he was extreamly in Love; but as she had no Fortune, the Father of the young Man refused his Consent to the Marriage, unless some of her Friends would give her an hundred Pounds. The Lover made this Report to an Aunt of the young Woman's, with whom she then lived. The Aunt gave her Niece an hundred Pounds, but at the same time took a Bond of the Lover for so much Money lent to him, which

which he was to repay at the Time specified in the Bond. Upon this they were married with the Father's Consent, who gave his Son a considerable Part of his Substance. Afterwards upon the Non-payment of this hundred Pounds, the Aunt applied herself to her Council to know in what Manner she could proceed to recover the Money. But she was informed, that the Money was not to be recovered; it being a Cheat upon the old Man, therefore none of his Substance, which he had given his Son in Consideration of that hundred Pound, should satisfy that Debt. As the young Man would not voluntarily repay it, she was advised to be contented with the Loss, of what she could not recover. I don't produce this as an adjudged Case, for it never was tryed, the Aunt being informed 'by Men of great Reputation for their Abilities in the Law, that the Money was irrecoverable.

If the Husband is not obliged to repay the Money for which he had given his own Bond, because another Person would be cheated by it, much less shall he be obliged to repay that Money, which his Wife borrowed before Marriage in Order to cheat him.

As there are more Instances in which Men can impose upon Women, in the Re-

presentation of their Circumstances before Marriage, than there are in which Women can impose upon Men; so Men can secretly pay their Debts, after Marriage, which Women cannot; which must necessarily make them more cautious how they conceal or misrepresent their Circumstances, since that must expose them to the Resentment of an injured Husband, who, as he has the Power of, would seldom want the Inclination to Revenge.

Whosoever makes any Observations of this Kind, will (I believe) find in Fact, that Men suffer very little from being answerable for their Wives Debts contracted before Marriage, in Comparison to what Women suffer, from their Fortunes being liable to pay their Husbands Debts contracted before Marriage.

Obj. VII. Amends is made for all this, by Womens Exemption from Imprisonment in Civil Causes.

'Tis fit indeed they should be exempted, as having no Property, and consequently no Way of getting out again; but this Exemption was never intended as a Favour to them; however it may sometimes accidentally become so.

One Reason of such Exemption I take to be this, that a Woman's lying in Jail will pay no Man his Money, and so some Persons

sons might chance to become Losers by her; 'tis therefore Decreed, that her Husband who possesses her Property, shall be answerable for her Debts.

The Civil Law assigns another Reason for the Exemption of Wives from a Jail in Civil Causes, namely, that there is too great an Hazard of having their Chastity attempted in such Confinement.

I suppose our *English* Husbands are more tenacious of their Property in that Point than the *Romans* were, and would be more uneasy at the Invasion of it: Not that they consider the Woman in an higher Character, as a Christian, and for her own sake, to keep her out of the Temptation, and sinning against the Law of God; for if that were any Part of their Consideration, it is to be supposed, that they would be as tender of their own Souls; and to deter an Husband from Unfaithfulness to his Wife, and all others from joining in his Sin against her, would empower her to expose him, by suing the Woman, and recovering Damages of her, for invading her Right, in the same Manner as the Law empowers the Husband to recover Damages for the like Offence. For the Transgression against God, is as great in the Husband, as in the Wife, and equally damnable in both: Tho' there is one Circumstance, which renders it

^a greater Injury to the Man in his civil Capacity.

Obj. VIII. Whether the Exemption of Wives from a Jail in Civil Causes, was originally designed as a Favour to them, is not the Question; if that Exemption is a Recompence for divesting them of all Property, the Law is justified, whatever Motive it proceeded upon in decreeing such Exemption.

I reply then, full to the Question, That it is not a Recompence,

To divest a Man of all Property, and then exempt him from a Jail in Consequence of his Debts, is just such a Privilege in his Civil Capacity, as it would be in his Natural one, to divest him of all Pleasure, and in Return to decree that he should feel no Pain. As such Exemption from Pleasure and Pain would, in Effect, strike him out of *Being* as a *Man*, so such divesting him of all Property, with such Exemption from Payment of *Debts*, is, in Effect, to cut him off from being a Member of *Civil Society*.

As a Man would chuse to retain his Natural Pleasures, and run the Hazard of Natural Pains, so he would chuse to retain his Civil Rights, and run the Hazard of Civil Inconveniencies.

Till it shall appear that these are not parallel Cases, I believe I may conclude, that

that *Exemption* from *Debts* is not a *Recompence* for divesting of Property.

Obj. IX. But still the Distinction as to the *Roman* Captives remains unanswered, namely, that Marriage is a voluntary Act *, and that Women are not forced into it.

I suppose it cannot be said, to be always voluntary, for in many Instances Women are commanded and directed into it, by their Parents and Guardians, and in some other Circumstances 'tis their only Way of advancing themselves, and settling in the World.

Indeed as to many Persons, 'tis their own free Choice, to whom Marriage with its complicated Hazards, appears more eligible than the solitary, unfriended, ridiculed Condition of a single Life; and no wonder, since the usual Way of educating young Women seems as if it were calculated on Purpose to awaken all the Affections of the Heart, at the same Time that it deprives them of their proper Counter-balance, the Strength of the Head.

That which glitters in the Eye, strikes the Fancy, and charms the Imagination, be-

* Does this voluntary Act, tend to the Good of the Community? If it does, is not its being voluntary a Merit? Should it not therefore entitle us to Privilege and Favour. If involuntary, and we suffer from it; to Pity and Relief, as far as it can be given?

ing

ing represented to them, as the most improving Objects for their Contemplation and Learning. The Attainment of a fine Air, a graceful Motion, an elegant Fancy in Dress, a Knowledge of the fashionable Compliments and Civilities, at receiving and paying Visits, with more Accomplishments of the like Importance, are recommended to them, as the surest Means of obtaining the Love and Admiration of the Men, and procuring an advantageous Settlement in Marriage, which is proposed to them, as their highest Advancement, and End and Design of all their Attainments.

Can any one suppose that a young Creature thus disciplined, should ever take it into her Head, that her truest Happiness, as well as greatest Honour, should arise from the Service of God, and free Exertion of her own Soul? That she should endeavour by all Means to attain a Fund of Reason, Learning, and Knowledge sufficient to furnish Entertainment for her whole Life?

Thus having no Notion of true Worth in herself, she is as little a Judge of it in others, but resigns herself to the Ignorant, the Vain, or the Vicious, as they come recommended by Title, Equipage or Fortune.

I would not from hence be thought to infer, that none but foolish Women marry, or that Celibacy is preferable to Marriage, with a Man of Worth. I would only give some

Some Check to that Triumph, and Self-admiration which some Men are apt to conceive, upon an Observation, that most Women are willing to marry at some time or other; by shewing that they are disqualified from the very beginning for the true Enjoyment of their own Minds, and therefore notwithstanding all Disadvantages, are willing to admit of a foreign Assistance.

Since their Choice is in a great Measure determined by their Education, and their Education is at the Discretion of the Men, I would use this as an Argument why they should find some Redress for their great Calamities, when they happen to meet with a Tyrant and Oppressor, where they hoped to have found an indulgent Friend, and faithful Guardian.

As Marriage is the very Basis, Foundation, and Cement of Society, an Institution of God, and productive of the greatest Blessings in human Life, 'tis highly reasonable to guard it with such Laws, that those who turn it into a Plague and a Curse, might receive due Punishment for such enormous Transgressions!

If there are any Laws which empower a Woman to ruin or oppress her Husband, you have the Power in your own Hands, in God's Name let them be amended.

Obj. X. Notwithstanding all this, *England* is the Paradise of Women, they are bet-

ter treated here than in any other Part of the World.

But it may be answered, that *England* is also the Paradise of Men, no Subjects enjoying such invaluable Privileges as they do here : And it would be thought a very just Reply from an arbitrary Prince in Defence of his tyrannical Proceedings, that he treated his Subjects better here, than the Grand Seignior treated his Slaves in *Turkey*.

Obj. XI. All these are rare Cases, and for the generality Wives have no Reason to complain.

But no Thanks to the Laws of our Country for that Exemption ; let every particular Woman who is well treated, thank God and her Husband for the Blessing. At the same Time, she may reflect, that she is in the Condition of a Slave, tho' she is not treated as such, according to the Opinion of a late eminent Member of the House of Commons, who declared in that honourable Assembly, that he thought, " that Nation in a State of Slavery, where any Man " had it in his Power to make them so " tho' perhaps the Rod might not always " be held over their Backs."

Tho' I have taken the Liberty to speak my sense of these Laws, and the Consequences of them, which are the Causes of our Complaint ; and also to answer some Objections which I suppose might be made, yet I don't

presume

presume to address my self to the Legislature to argue, but to refer it to them to decide, and shall humbly and readily acquiesce in their Determinations, upon this and all other Occasions.

But till I am better inform'd, I hope I may be pardoned, if I confess that I hardly believe it possible to reconcile these Laws, with the Rights and Privileges of a free People. That there should be so great a Part of the Community, who have never been notorious Offenders against it, entirely deprived of their Liberty, or even of making Use of their Ingenuity and Industry to procure them a Subsistence, when those who should provide it for them, refuse it, or are incapable of it.

I suppose the prime Design, and ultimate End of all equitable Governments, is so to proportion Authority and Subjection, that they may in some sort counter-poise each other; by investing the *Governing* with such *Prerogatives*, and allowing the *Governed* such *Privileges*, that each Part may be provided for, according to their several just Pretensions; and that no one Set of People might be exposed to Oppression, either from their publick or private Governors; that Order and Equity may run thro' all Ranks, and compose one uniform collective Body.

'Tis from these Considerations (I apprehend)

hend) that our Laws forbid the buying and selling Men, there being such an absolute Inconsistency in the Conditions of a Free-born *English* Man and a Slave, that they will by no Means comport in the same Community.

From hence also, one Part of domestick Authority is relaxed from what it was amongst the *Romans*. With them a Son was esteemed so much at the Father's Disposition, that by an obsolete Law, the Father was invested with the Power of Life and Death; but afterwards with that of moderate Correction only; yet the Son was still his Father's Property, and could be freed from his Jurisdiction only by being advanced to some dignified Office in the State, or by Emancipation.

The Father's Power over the Son's Property also was very Correspondent to that over his Person: But this domestick Authority, being thought inconsistent with the Nature of our free Constitution, which admits not of arbitrary Proceedings, at the Age that a Child is supposed to be able to judge for himself, he is at his own Disposal, as is also his Property.

What I would observe from hence is, that tho' domestick Authority is lessened as to Children, that it is augmented as to Wives, as I have shewn in the foregoing Instances, and that Wives have not a Degree of Liberty

erty and Property, which is allowed all other subordinate Persons in the whole Community.

Omnipotence itself disclaims the Power of doing Evil, the exact Rectitude of the Will of the Almighty is an everlasting Restriction.

Our King, his happiest and greatest Vicergerent upon Earth, lays no Claim to the Power of Oppression ; and its no more to the Diminution of his Honour, than it is to the Restraint of his Actions, that our Laws guard us from suffering by his Authority.

Since then, the God of Heaven and Earth, in and from himself, acts always by the Rules of Justice and Mercy ; and our Sovereign knows it to be his most distinguishing Honour to be under Obligations to govern his People, by the same unerring Rules ; shall I be accused of Confidence or Presumption, for humbly beseeching that our domestick Lords, may be under the same happy Obligations in their private Capacities, which are so true an Honour to our King, in his most illustrious Station ?

I hope the Justice and Integrity of my own Heart which acquits me before God, will also plead my Excuse before Men, for making these Representations ; especially since I apprehend, that I am justified by the Laws of the Land, which allow every Eng-

lish Subject, the Privilege to speak his own Grievances.

It is reported of a magical Ring of Gyges's, that it had an extraordinary Power of making the Wearer of it invinsible. A Person being asked, what a Man of Honour would do had he such a Ring ? He was answered, just the same as he would without it. All Men who have the least Notion of Honour, would readily acquiesce in the Justness of this Reply ; but I believe few who know the present Disposition of the World, would think it very politick to present every Man in his Majesty's Dominions with such a Ring ; lest the Power of doing Mischief, might create, as well as assist an Inclination to it.

A Man of Honour would not desire such a Ring ; a Man without Honour should not be trusted with it.

A good Husband would not desire the Power of Horse-whipping, confining, Half-starving his Wife, or squandering her Estate ; a bad Husband should not be allowed it.

A good Husband would never feel the Restraint ; a bad one, would ultimately find the Advantage of it ; inasmuch as he has a Master to whom he must render an Account of the Use of his delegated Authority.

But

But if after all, these Representations should not be thought worthy the Consideration of the Legislature, or if they should be considered, and we should yet fail of obtaining any Relief ; either because the Legislature cannot find proper Means, or wants the Inclination to give it ; there is still one Part of my Sex, who may receive some Advantage from them ; namely, the Unmarried, to whom I now address myself, entreating them to consider the Hazards they run, when they venture an Alliance with the other Sex, who were designed by Nature for their *Counter-parts*, but who have taken upon themselves to be the *whole*, inso-much that they have voted us *Dead in Law*, except in criminal Causes. They do us indeed the Favour to consider us as real Persons, when they think fit to *burn* or *hang* us : This is *incorporating* with a Vengeance ! *They swallowed us up quick, when they were so wrathfully displeased at us !*

But God be thanked, I have an Husband who lets me be *alive*, and gives me leave to be *some Body*, and to tell other People what I think they are.

I am persuaded there are many Wives in *England*, who by the Favour of their Husbands, are still in a State of *Existence* : And am also sensible, that some Wives have so little Apprehension of this Law of *Annihilation*,

tion, that they are in Fact the *freer* Agents of the two. But at present I am not enquiring into Facts, I am reporting what I take to be Law, in Order to have the Hardships of it known at least, that if they can't be amended, they may be avoided, by making Women more cautious, how they deliver themselves into the Hands of a Man, *lest he bring them to nothing.*

At the same Time that I warn my own Sex, I must do Justice to the other ; and acknowledge, that I believe there are very many of them, to whom human Laws, as to their domestick Behaviour, are entirely superfluous.

*Who bear their Faculty so meek, have been
So clear in their great Office, that their Virtues
Will plead like Angels.* Macbeth.

There is no Character in private Life, so venerable and amiable, as that of a good Husband. The accumulated Praises which are due, to the tender affectionate *Lover*, the endearing generous *Friend*, the discreet *Guide*, and faithful *Guardian*, are his, in the most eminent Degree ; with this peculiar Addition, that the Impunity with which he *might* Sin against his Wife, is with him the strongest Reason why he never *will* do it.

Tho' there are *Good* Husbands yet have a Care of *Bad* : With this last Piece of Advice I shall leave the unmarried Women.

I come now to consider one Objection, which still remains against all I can say, and which I am sensible no Art or Eloquence, can ever obviate, namely, *my Sex*. Custom and Education has dwindled us into very Trifles ! such meer Insignificants ! that it may be thought Presumption and Folly in one of us, to presume to plead our own Cause, even tho' it should appear to be upon the most justifiable Pretensions.

Notwithstanding this discouraging Reflection, I shall

First, Proceed to the Sentiments of two speculative Authors, who have considered human Nature abstracted from all external Laws, and see in what Light they place us.

Secondly, I shall refer myself to the Judgment of a most judicious Reasoner upon Revelation.

Thirdly, I shall make some Observations upon the Quotations from these Authors, and draw some Conclusions which I think follow from their Principles.

Fourthly, I shall explain the original Curse of Subjection passed upon the Woman, and shew that the Laws of *England* go far beyond it.

First, Mr. *Wollaston* in his Religion of Nature represents the two Sexes, as exact Counter Parts to each other, he speaks,

“ * of the Interchange of Affections, and a
 “ Conspiracy of all their Counsels and
 “ Measures, the Qualities and Abilities of
 “ the one Sex being fitted, and as it were
 “ tallying to the Wants of the other. Ma-
 “ ny things there are which may be useful,
 “ perhaps necessary to the Man, and yet
 “ require the delicates Hand and nicer Ma-
 “ nagement and Genius of the Woman ;
 “ and so the Woman, cannot but want many
 “ Things which require the more robust
 “ and active Powers, or greater Capacity of
 “ the Man.”

Again, “ † I have designedly forbore to
 “ mention that Authority of an Husband
 “ over his Wife, which is usually given
 “ to him, not only by private Writers, but
 “ even by Laws, because I think it has been
 “ carried much too high. I would have
 “ them live so far upon the Level, as (ac-
 “ cording to my constant Lesson) to be go-
 “ verned both by Reason. If the Man’s
 “ Reason be stronger, or his Knowledge
 “ and Experience greater (as ’tis common-
 “ ly supposed to be) the Woman will be
 “ obliged upon that Score to pay a Defe-
 “ rence and submit to him.”

It seems to me from hence, that Mr.

* Religion of Nature, &c. p. 155.

† Religion of Nature, p. 159.

Wollaston founds all Authority in the wedded State upon a *Superiority of Reason*; therefore let that Superiority happen on either Side, the same Consequence must follow from it, and no Doubt, as the World now is, it would generally fall to the Men; they having the Advantages of Universities, publick Negotiations, and a free unconstrained Converse with Mankind, in Pursuance of their several Professions, Arts, and Occupations.

But if we argue from a State of Nature, we must consider the Abilities of each Sex, antecedently to these accidental Advantages; and we do not see in Fact, that, amongst the vulgar unlearned People, Men are so much *wiser* than Women, as to induce us to suppose that their natural Endowments are much greater.

Yet as we never were, or can be in a State of Nature, I don't presume to contend for an Equality, but acknowledge that God has for very wise Reasons invested Man with the Superiority; but without Recourse to Revelation, I believe it would be a hard Task to justify the carrying the Authority of the Husband, higher than Mr. *Wollaston* has done.

But I will for once, even with Mr. *Hobbs*, suppose we were in a State of Nature, and see what he says would be the Consequence of it.

“ * And

“ • And thus in a State of Nature, every
 “ Woman that bears Children becomes
 “ at once both a Mother and a Lord. But
 “ what some say that in this Case, the Father
 “ by Reason of the Pre-eminence of Sex, and
 “ not the Mother, becomes Lord, signifies
 “ nothing. For both Reason shews the
 “ contrary, because the Inequality of their
 “ natural Forces is not so great, as that the
 “ Man could get the Dominion without
 “ War ; and Custom also contradicts not,
 “ for Women, namely *Amazons*, have in
 “ former Times waged War with their Ad-
 “ versaries, and disposed of their Children
 “ according to their Wills : And at this
 “ Day in divers Places Women are vested
 “ with the principal Authority, neither do
 “ their Husbands dispose of their Children
 “ but themselves ; which in Truth they do
 “ by the Right of Nature, forasmuch as
 “ they who have the supreme Power are
 “ not tied at all (as has been shewed) to the
 “ Civil Law. Add also, that in a State of
 “ Nature it cannot be known who is the
 “ Father, but by the Testimony of the Mo-
 “ ther ; the Child therefore is his, whose
 “ the Mother will have it, and therefore
 “ hers ; wherefore original Dominion over
 “ Children belongs to the Mother.

* Philosophical Rudiments concerning Government
 and Society, Chap. ix. p. 136.

And

And this Author allows of no other original Dominion.

I have a great Abhorrence of the whole Scope and Design of this Author in his Writings, and think it not only wicked but absurd to write to us as in a State of Nature; when we can prove from better Authorities than his, that we never were in a State of Nature, or can be so, so long as we have a Possibility of consulting the Bible. Yet supposing we were in a State of Nature, this, and many other Things which he says, are, I believe, incontestably true.

Secondly, There is a very learned and ingenious Author, with whom I am so happy as to correspond in my Opinion concerning the Equality of the Sexes at their first Creation, and also their Inequality upon the Transgression. I must therefore take the Liberty to quote his Sentiments, tho' I heartily beg his Pardon for introducing him in such Company as Mr. *Hobbs*, and acknowledge that I think neither he, nor even the celebrated Mr. *Wollaston*, worthy to be named with him, much less in Contradiction to him.

“ * And that this Subjection in the Wo-
 “ man is the Effect of a Curse, consequent
 “ to that Offence which wrought our Fall,
 “ is evident, because on Supposition that
 “ human

human Nature were in a State of Perfection, where Reason ruled and Perverseness had no Place, there seems to be no imaginable Reason why one Sex should be in Subjection to the other : And accordingly we find, that the Woman was given at first under no other Character but that of a Companion, because it was *not good for Man to be alone* ; nor did Adam consider her under any other Character, for when he excuses his Offence to Almighty God, by charging it upon his Compliance with *Eve*, he says, * *The Woman whom thou gavest to be with me, she gave me of the Tree, and I did eat. The Woman whom thou gavest to be with me,* i. e. whom thou gavest to be my Associate and Companion, without the least hint of Subjection, and Dependency. Nor was there the least Reason for any in that State, as I shewed before.

We see it is the Opinion of this Orthodox Divine, that the Sexes were equal before the Fall : And that after the nicest Search Mr. *Wollaston* and Mr. *Hobbs* could make into Nature, they could find no Foundation in Nature for that very great Superiority which is ascribed to the Man.

How comes it to pass then, that the Opinions and Customs of all Nations should give him

* Gen. iii. 12.

him that Superiority, even where 'tis supposed they could have had no Information of the Curse of Subjection passed upon the Woman? I say all Nations, the Exceptions being too few to destroy a general Rule, tho' enough to establish Mr. *Hobbs's* Assertion, that the Superiority is not founded in Nature.

In answer to the foregoing Question, I reply that all Nations are the Progeny of *Adam* and *Eve*, and that for some Ages after their Children Branched out into Families, they must have had a Tradition of the Curse of Subjection passed upon the Woman, and formed the Government of their Families accordingly: When Men became more numerous upon the Earth, and united themselves into greater Communités, that Authority was kept up, even where 'tis possible the Tradition might be lost upon which it was first founded. And when Men had the Authority, tho' they might not all know that it was by divine Appointment, it is not to be imagined that they would voluntarily give it up, but would rather transmit it from Generation to Generation. And thus it must be from the very Words of the Curse, which not only implied a command to the Wife to obey her Husband, but contained also a positive Declaration that she should be in that Sub-

Subjection, to which God then commanded her Acquiescence.

It is some what beside my present Purpose yet I would observe here, that as this universal Subjection of the Sex must arise from this Origin, it is one good Evidence of the Truth of Revelation; for since it is not a Law of Nature, how should such a Custom spread itself through all Nations in Ages, if it did not take its Rise from Revelation at first.

If this is not allowed to be an Argument for the Truth of Revelation, let any Man assign some other Cause for this universal Subjection of the Sex; and if it appears to be a true one, I shall readily acquiesce in it; and the rather, because I can bring no Authority for thus applying this Argument.

Thirdly, I come now to explain and account for the Curse of Subjection passed upon the Woman, and to shew that the Laws of *England* go far beyond it.

I plead for no female Usurpation, nor am for disannulling the Laws of the Almighty, which are founded upon eternal Justice, Mercy and Wisdom, I willingly and humbly acquiesce to the Sentence of the Judge of all the Earth, ' *Since thou hast done this, thy Desire shall be unto thy Husband, he shall rule over thee.* Yet tho' I submit to the

Ex.

Executors of divine Vengeance, I would not be ruled by a *Rod of Iron*, nor corrected by *Scorpions*.

'*Wherewithal a Man sins, therewith shall he be punished*'. Wherewithal God punishes, therewith doth he save. His Mercy is as conspicuous as his Justice, and engages our Love and Praise to the gracious Father, and our Adoration and Reverence to the awful Judge!

Behold this Curse in its true Light, and it will appear in its End and Design to have been a Blessing.

The very Essence of Sin is Disobedience; and the first Person who disobeyed God upon Earth, was the Woman: Since therefore she would not submit to the Law of her Creator, she was put in Subjection to her Equal.

The Christian Religion as a Consequence of *Christ's* Coming, was foretold at the Time of the Curse: Which as it is a self-denying Scheme, so that Condition which has the most frequent Opportunities of practising Self-denial in its ordinary Occurrences, will be ultimately the most advantageous. The most indifferent Action which a Woman does at the Command of her Husband, from a Sense that God has commanded her to obey him, becomes an Act of Religion, and as such, is rewardable to all Eternity. 'Tis frequently a complicated Act

F

of

of Virtue; 'tis always Obedience, which includes Humility; and 'tis many Times self-denial, and a Conquest over her own Passions.

Thus far I have spoken of the Justice and Mercy of God's Sentence, give me Leave now to consider the Wisdom of it.

Moral Virtues are in their very Nature the Objects of our Understandings; they are so many divine Truths, which whoever perceives cannot but perceive their Excellence; but yet this Perception of Truth or the bare Knowledge of our Duty is not sufficient to make us act agreeable to it; The *Will* whose Province it is to obey and execute the Dictates of *Reason*, is continually rebelling against and usurping Authority over it; it not only stops us in the Pursuit of Truth, makes us wink hard and shut our Eyes against the Light, but even where it cannot thus hoodwink our Understanding, it frequently exerts its Tyranny the more, and makes us act in Contradiction to it: It is this Malignity in the Will of Man that occasions all the Evils and Disorders of the moral World; somewhat therefore besides the bare Excellence of Virtue was greatly wanting to correct and abate its Virulence; and to this End are directed God's *Positive Commands*. The Beauty and Excellence of Virtue influenced even our first Parents no longer than while they obeyed God's positive Command, and had no
ir-

irregular Passions, Prejudices, or evil Habits, to hinder their Perception of, and compliance with Truth. And to us, who lie under the unhappy Byass of a Nature depraved by original Sin, and the Dominion of so many vagrant Affections, which continually cloud the Understanding and stir up the Will to rebel, positive Commands were *absolutely necessary*, even to put us in a Condition of perceiving and practising moral Virtues, by bending and subduing the Will, rectifying and weakening the Affections and Appetites, that they might be less able to pervert, and impose upon the Understanding.

I believe it would be easie to shew, that this has always been God's Method of Proceeding, by applying to the Will according as he saw Occasion. The *Jews* being a Stiff-necked, perverse People, and almost all *Will*, had their religious Worship encompassed, and fenced round with outward Observances, many of which there appears no Reason to have kept, but as they were the direct Command of their divine Legislator. As *Christ's* Coming was foretold at the Time of the Curse, and he being designed to root out, and destroy the whole Body of Sin; and the Seat of Sin being in the Will, it was necessary under his Dispensation also, that there should be Laws which bore particular Respect to the *Will*, in order to enforce its Concurrence with the Understanding in our bounden Duty,

Duty, and Service. ‘ *His Servants ye are, whom ye yield your selves to obey.*’

The Understanding recognizes God’s Title, but the Will secures his Possessions.

Upon this View, I believe it will appear agreeable to God’s Wisdom that, That Sex which gave the first Proof of a disobedient Will, should have an additional Restraint upon it, to disappoint and over-rule it, that for the Future it might be less able to contend with the Understanding, and the Law of God.

It is still a further Testimony of God’s Wisdom to invest Man with his restraining Authority, the more frequently to remind even him, of God’s Indignation against those who should presume to disobey his *positive Commands*, by making him the Executor of his Resentment upon it: Who tho’ a Delinquent himself, yet his Sin admitted of greater Alleviations than the Woman’s, and consequently had a milder Punishment: And her Punishment great as it was, if humbly submitted to, would naturally produce the most lasting Blessings.

If then it is agreeable to Justice, Mercy and Wisdom, it is established upon such Foundations that it is our true Interest that our Obligations to obey our Husbands should remain, *till the Fashion of this World passeth away*; then will be accomplished our most blooming Hopes and animating Expectations, the Laws of Equality will then for ever

be set Right, and, *she that humbleth herself, shall be exalted!*

But tho' God thus punishes his Servants in Mercy, yet he never condemned them to be put under *Axes, and Harrows of Iron, nor to pass through the Brick-kiln!* These were Punishments for the Heathen, *which called not upon his Name.* 'Tis therefore no Excuse for us, that the Women in *Turky* are used worse than we are. We abhor a Comparison with them, as much as the Men would here, a Comparison of their Condition with that of their Sex in *Turky*.

When the Men refused to bear their Part of the Curse, with what Equity can they require us, to bear ours? *In the Sweat of thy Brows shalt thou eat Bread.* But when they refuse to stir a Finger for their Support, is it equitable that they should tie their Wives Hands behind them, and make their helpless Offspring Fatherless and Motherless also?

' My Ways are equal, O ! House of Israel, your Ways are unequal. What have I required of thee, O Man! but to do Justice, to love Mercy, and to walk humbly with thy God?

As the Woman's Sin was in the undue Gratification of her *Will*, in her *Will* shall she be punished: She shall depend upon her Husband in all Matters of Pleasure, Diversion, and Delight, Her *Desires* should be circumscribed by his, whom she should re-

verence

Verence in Acquiescence to divine Authority: He should have the supreme Command in his Family, and she should act in Subordination to him.

This I humbly apprehend to be the Scripture Extent and Meaning of the Curse. And not that God precluded himself from any farther Authority over the Woman; by delivering her so far into the Power of her Husband, as that she might rob and murder at his Command.

Neither did he preclude the Woman from doing any Good, except she had her Husband's Command or Permission.

He orders all Parents to provide for their Children according to their Abilities.

But our Laws give a Husband the Power to supersede that Command, by allowing him to take all things from his Wife, and then to prevent her obtaining any thing more, by her Labour or Ingenuity. Her intellectual and personal Abilities seem to be her own, since no Pacts can transfer them to another, yet her Husband can prevent her Exertion of them, either for herself or Children, even when he won't do any thing for them himself.

Again, God commands all Parents to *breed up their Children in the Nurture and Admonition of the Lord.*

But an Husband may prevent his Wife's doing that Duty, even after his Death, when they have no Parent but a Mother, by ordering the Children into other Hands, tho' no

other can be so nearly concerned for them.

I beg to know whether we have not a Right by Nature, to be permitted to do all that Good, which God has given us Abilities to do?

And whether it can be supposed that God gave Man an Authority in Opposition to his own?

And whether by the Nature of Societies, and established Rules of Government, all Parts of a Community have not a Right to a Degree of Liberty and Property correspondent to the Constitution under which they live?

'Tis nothing to the Purpose to say, we should make an ill Use of this Liberty, for if the Law of God, and the Rules of Equity allow it us, we have a Right to it, and must answer for the Misapplication of our Liberty (as Husbands do for theirs) to God alone.

In the New Testament the Wife is commanded to *obey her Husband* *; and the Husband to *love his Wife*: And the latter is recommended by a divine Allegory, even the Love of *Christ* to his Church: And enforced in the strongest Terms, those of giving himself for her; but equally left to their Wills, whether they would walk according to these Injunctions or not. From whence I infer, that by our Laws he should be under as strong Obligations to do his Duty, as she hers: And if there had been any Retrospect to the

Commands of God, that they should not be broken, 'tis to be supposed, the same Care had been taken as to him, as there was as to her.

I shall conclude all with the Words of an Author, ¶ once before quoted, to whom the whole christian World is indebted, and for whose Sake I heartily pray God to give him Life and Health, to finish that great Work, which he has so excellently well begun. His Words tho' wrote upon a different Occasion, may yet be applicable here.

‘ Alas, the Severity of the Chastisement
 ‘ no Way infers the Dignity of the Scourge!
 ‘ tho' they have said with the proud Boaster
 ‘ in *Isaiah* c. x. 13. *By the Strength of my*
 ‘ *Hand I have done it, and by my Wisdom,*
 ‘ *for I am prudent: I have removed the*
 ‘ *Bounds of the People, and have robbed their*
 ‘ *Treasures, and as one gathereth Eggs that*
 ‘ *are left, have I gathered all the Earth; and*
 ‘ *there was none that moved the Wing, or opened*
 ‘ *the Mouth, or peeped: Yet may we reply*
 ‘ upon them with the Prophet, *shall the Ax*
 ‘ *boast itself against him that beareth there-*
 ‘ *with? As if the Rod should shake itself a-*
 ‘ *gainst them that lift it up; as if the Staff*
 ‘ *should lift up itself, as if it were no Wood.*

¶ Preface to the Second Volume of *Revelation* examined, &c. p 47.

F I N I S.